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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

AIG SPECIALTY INSURANCE COMPANY
F/K/A CHARTIS SPECIALTY INSURANCE
COMPANY AND ALSO AMERICAN
INTERNATIONAL SPECIALTY LINES
INSURANCE COMPANY, an Illinois
Corporation;

Plaintiffs,

vs.

LIBERTY MUTUAL FIRE INSURANCE
COMPANY, a Massachusetts Corporation; and
DOES 1 through 100, inclusive,

Defendants.

Case No.: 2:17-cv-01260-APG-NJK

**PROVISIONAL JOINT STIPULATION
AND [PROPOSED] ORDER TO
CONDUCT CERTAIN DEPOSITIONS
AFTER THE EXISTING DISCOVERY
CUT-OFF DATE IN LIGHT OF
SETTLEMENT**

(FIFTH REQUEST)

Plaintiff AIG SPECIALTY INSURANCE COMPANY f/k/a CHARTIS SPECIALTY INSURANCE COMPANY and f/n/a AMERICAN INTERNATIONAL SPECIALTY LINES INSURANCE COMPANY ("AISLIC") and Defendant, LIBERTY MUTUAL FIRE INSURANCE COMPANY ("Liberty") collectively, (the "Parties"), by and through their attorneys of record, and pursuant to Local Rules IA 6-1(a)(b)(c) and 6-2, hereby stipulate and agree as follows:

WHEREAS, on or around January 8, 2018, the Court issued a scheduling Order (ECF No. 97) setting the discovery cut-off date in this matter on June 18, 2018;

WHEREAS, on or around June 28, 2018, the Court issued an Order (ECF No. 117) extending the discovery deadline until October 17, 2018;

WHEREAS, the Parties agreed to mediate on August 28, 2018 and requested an extension of the discovery cut-off to facilitate same and permit for time to take certain depositions thereafter, the

1 mediation did not take place until October 4, 2018 because certain party representatives were not
2 available due to a pending trial in another matter;

3 WHEREAS, this matter was not resolved at mediation on October 4, 2018;

4 WHEREAS, on or around October 11, 2018, the Court issued an Order (ECF No. 137)
5 extending the discovery deadline until November 30, 2018 to allow the Parties and third-parties to
6 confer on objections and conduct the depositions of the following five depositions set before the
7 October 17, 2017 discovery cut-off in existence at that time:

Deponent	Party Taking Deposition
AISLIC 30(b)(6)	Liberty
Liberty Mutual 30(b)(6)	AISLIC
Kring & Chung, LLP 30(b)(6)	AISLIC
Venetian Casino Resort, LLC 30(b)(6)	AISLIC
Taylor International Corporation 30(b)(6)	AISLIC

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13 WHEREAS, the deposition topics for AISLIC and Liberty pursuant to Fed.R.Civ.P. 30(b)(6)
14 were substantially narrowed as a result of the Parties' numerous meet and confer efforts;

15 WHEREAS, upon significant conferring, the only dates that worked for all Parties and all
16 counsel to take the depositions of AISLIC and Liberty pursuant to Fed.R.Civ.P. 30(b)(6) were during
17 the third week of December, 2018;

18 WHEREAS, on November 8, 2018 the Court issued an Order (ECF No. 145) extending the
19 discovery deadline until December 21, 2018 to take the depositions of AISLIC and Liberty pursuant
20 to Fed.R.Civ.P. 30(b)(6);

21 WHEREAS, the depositions of third-parties Kring & Chung, LLP and Venetian Casino
22 Resort, LLC pursuant to Fed.R.Civ.P. 30(b)(6) were taken in Irvine, CA and Las Vegas, NV on
23 November 19, 2018, and November 20, 2018, respectively;

24 WHEERAS, the deposition for Taylor International Corporation pursuant to Fed.R.Civ.P.
25 30(b)(6) has been withdrawn;

26 WHEREAS, the only remaining depositions to be taken in this matter are those of AISLIC
27 and Liberty pursuant to Fed.R.Civ.P. 30(b)(6), and the Parties tentatively planned to have these
28 depositions taken back-to-back in Las Vegas on December 19-20, 2018, as those were the only dates

1 that worked for all counsel during the third week of December; the Parties served revised deposition
2 notices on one another accordingly;

3 WHEREAS, **the parties reached a settlement in this matter on December 10, 2018** (which
4 would alleviate the need to conclude the remaining discovery) but need additional time to prepare
5 and finalize a written settlement agreement and release to memorialize and bind the parties to the
6 terms of settlement prior to the expiration of discovery;

7 WHEREAS, although the Parties are mindful of the fact the Court noted in its November 8,
8 2018 Order (ECF No. 145) that “no further extensions will be granted,” the Parties respectfully
9 request that in light of a settlement being reached that the Court will provide the Parties a final
10 extension so no further discovery costs will need to be incurred while the settlement is being finalized;

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1 WHEREAS, the Parties hereby stipulate and agree, subject to Court approval pursuant to
2 Fed.R.Civ.P. 6(b), to provisionally extend the time to conduct the depositions of Liberty and AISLIC
3 pursuant to Fed.R.Civ.P. 30(b)(6) until **January 31, 2019** to allow sufficient time for the Parties to
4 finalize the written settlement agreement and release.

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6 DATED: December 11, 2018

DUANE MORRIS, LLP

7 By: /s/ Tyson E. Hafen

8 DOMINICA C. ANDERSON, ESQ.

Nevada Bar No. 2988

9 TYSON E. HAFEN, ESQ.

Nevada Bar No. 13139

10 Attorneys for Defendant LIBERTY MUTUAL
11 FIRE INSURANCE COMPANY

12 DATED: December 11, 2018

HEROLD & SAGER

13 By: /s/ Nicholas B. Salerno

14 ANDREW D. HEROLD, ESQ.

Nevada Bar No. 7378

15 NICHOLAS B. SALERNO, ESQ.

Nevada Bar. No. 6118

16 JOSHUA A. ZLOTLOW, ESQ.

Nevada Bar No. 11333

17 Attorneys for Plaintiff AIG SPECIALTY
18 INSURANCE COMPANY F/K/A CHARTIS
19 SPECIALTY INSURANCE COMPANY AND
SPECIALTY LINES INSURANCE COMPANY

20 GRANTED. Dismissal papers shall be
21 filed by January 31, 2019. IT IS SO
ORDERED.

Dated: December 12, 2018

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24 U.S. DISTRICT MAGISTRATE JUDGE
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